

Statement of the
American Association of Motor Vehicle Administrators
(AAMVA)

on

S. 1501
Motor Carrier Safety Improvement Act of 1999

submitted to the
Surface Transportation and Merchant Marine Subcommittee

September 28, 1999

The American Association of Motor Vehicle Administrators (AAMVA) is an international association whose members are the chief motor vehicle administrators and chief law enforcement officials in the United States and Canada. Just recently, the federal government of Mexico joined the Association which expands our presence throughout North America.

The Association appreciates the opportunity to comment on S. 1501, the Motor Carrier Safety Improvement Act of 1999 and will take this opportunity to report on our involvement in the highway safety arena as well as areas of the proposed legislation that are of concern to the AAMVA community.

What is not widely recognized is the fact that the Association is a key participant in the many highway traffic safety programs, projects, and issues addressed in S. 1501. Our involvement is not on the periphery, AAMVA is a “major player.” AAMVA’s Police Traffic Services Committee is represented by state police and highway patrol. In many instances the enforcement officials and highway patrol are one in the same. While motor vehicle agencies are involved with the collection of fees and revenues from the motor carrier community, we also have a significant role in ensuring that compliance programs are implemented. If Congress wants to implement new compliance, enforcement or training programs, our members are the ones relied upon to make it happen.

The Association’s members also have weighed in heavily on driver training. From a safety aspect, it’s hard to argue with tying the training requirement for commercial drivers to the licensing process. But, it raises several motor vehicle related issues that need to be dealt with such as monitoring issues that need to be in place as well as the critical issue of funding.

Enhancement of the commercial drivers license program will require a change in the way we all do business; the federal government, state agencies and the motor carrier industry. The Association is currently reviewing and revising the entire commercial drivers license test battery to make it stronger and more functional. The Association believes that there is much more involved in becoming a good, safe commercial motor vehicle operator than just passage of the knowledge and skills tests. We will look at the structure of the tests in an attempt to make them stronger, but we must also look at the training needs and find ways to tie training into the licensing environment. We also need to explore ways to get novice drivers more experience in a controlled environment. One of the ways to do that is through graduated licensing.

We are working with FHWA, OMC and the industry in analyzing the feasibility of looking at establishing a graduated licensing program for commercial drivers. The other big issue to study is training—training that is tied to the licensing process, strengthening the knowledge tests and incorporating some form of behind-the-wheel experience are aspects of the graduated licensing study.

The Association also is taking a leadership role at our nation’s borders. Border states are very concerned about the conditions of vehicles and the skill level of drivers soon to be entering their borders. We are focusing on the Mexican driver—how well they are trained, how their commercial driver licensing process works, their testing process and inspection procedures and whether their drivers hold valid commercial drivers licenses. The problems they face today in

Mexico will become problems the United States will face tomorrow.

Understanding this fact, AAMVA has developed a mutually beneficial working relationships with representatives of Mexico to share data on our commercial drivers licensing program and third-party examiner testing and training.

It is for the above reasons that we believe housing all of the funding for enhancement of the commercial drivers license program under MCSAP does not work. Even though the funds for the MCSAP program are doubled in this legislation, rarely are those funds used to improve the training programs for the drivers. Most MCSAP funds are earmarked for compliance or enforcement programs. We believe a portion of the MCSAP funding should be appropriated for the commercial driver licensing program and those agencies that are responsible for administering those programs. The experience level of the driver should be of equal importance in any discussion of improved motor carrier safety on our highways.

Specific issues of concern with S. 1501, as proposed, are as follows:

1. Section 5(c)(1), Medical Certificates. Over the years, AAMVA has been involved with FHWA's Office of Motor Carriers' negotiated rulemaking process to amend the Federal Motor Carrier Safety Regulations with regard to the determination of physical qualifications to operate a commercial motor vehicle in the commercial driver licensing process. Incorporating the commercial driver fitness determination into state-administered commercial drivers license procedures may eventually eliminate the requirement that operators requiring a CDL carry a separate medical certification.

Speaking on behalf of state motor vehicle agencies across the country, there is a great deal of concern among jurisdictions about tying driver medical qualifications to the licensing process. The issues and associated questions that states have are as follows.

- **Decision about whether the driver meets the FMCSR standards.** Who would be making the final determination regarding a driver's physical qualifications? Would it be the medical provider or the licensing agency?
- **Uniformity.** Should a federal medical standard be created to apply to both interstate and intrastate commerce drivers?
- **Interim changes in medical conditions.** Would states be capable of handling changes in medical conditions that may occur between licensing cycles?
- **Tracking systems.** Who would report unqualified drivers and to whom should those reports be made? Should the medical provider be required to report to FHWA the results of medical examinations? Should the motor carrier assume responsibility for reporting drivers who do not meet the medical requirements? What exactly is the role of the states in this activity?
- **Report requirements for medical examinations.** Should a reporting requirement be considered if a tracking system is created? Who would be liable for a driver who is not medically qualified? Should the medical examiner be accountable or should the responsibility lie solely with the motor carrier? If the responsibility for medical determinations is transferred to the states, would the states be responsible for follow-up enforcement, or would they merely

report to the federal authority.

- **Renewal periods.** Would there be a uniform renewal cycle for medicals in all states and who would it relate to the renewal period for drivers licenses?
- **Cost.** Who would pay for the driver's lost time and wages that are incurred as a result of compliance with the new system? Who will pay to implement and maintain the new system and registry?
- **Enforcement.** Who would be subject to enforcement action upon violation of these rules—the driver or the motor carrier? Will vehicle credentialing be tied to compliance?
- **Record keeping/paper work.** Who would be responsible for maintaining driver records—the motor carrier, the driver licensing agency or the driver?

These are some of the concerns we have with such a system. However, our member jurisdictions would much rather see this current rulemaking process carried out to its fruition rather than legislating the creation of a federal medical qualification certificate process.

2. In general there is widespread support for Section 5(a)(5) that prohibits states from issuing special licenses that permit an individual to drive a commercial motor vehicle during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license has been revoked, suspended, or canceled.

3. We support the creation of a Commercial Motor Vehicle Safety Advisory Committee; however, we feel strongly that if such a committee is established that motor vehicle and driver licensing administrators be represented on the committee.

4. Another issue of concern is funding. We feel that implementation of this bill would create a funding hardship, requiring an increase in personnel and extensive programming. It may also require legislative change in many jurisdictions. However, given ample lead time to pursue legislative changes, adequate funding assistance and leadership at the national level, we feel this bill could be successfully implemented. We do encourage the Committee to give serious consideration to dedicating funds to motor vehicle agencies to carry out the provisions of this bill. Without those obligated dollars, it is highly unlikely that states would be able to comply with and implement the provisions of this bill.

5. The development of a uniform system to support the electronic transmission of data from state-to-state on violations of all motor vehicle traffic control laws by CDL holders is a technological advancement that the Association and its members are extremely interested in pursuing. As you are aware, monies were appropriated under Section 2006 of TEA-21 for AAMVA, in conjunction with the Secretary of Transportation, to conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. We would recommend that a portion of the funding being made available to implement the provision of this bill be dedicated to this technology assessment.

6. Finally, the Association does not have any overriding concerns with the establishment of a new Motor Carrier Safety Administration.